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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/284,862
		Filing Date	April 22, 1999
		First Named Inventor	Hiroyuki KURIYAMA et al.
		Group Art Unit	1743
		Examiner Name	P. Bex
Total Number of Pages in This Submission << >>		Attorney Docket Number	500.37156X00
ENCLOSURES (check all that apply)			
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Firm or Individual Name	DAVID C. OREN, REG. NO. 38,694		
Signature			
Date	SEPTEMBER 9, 2002		

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Docket No.: 500.37156X00
Serial No.: 09/284,862

D. Lawrence
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hiroyuki KURIYAMA, et al.
Serial No.: 09/284,862
Filed: April 22, 1999
For: BIOCHEMICAL ANALYZER
Group: 1743
Examiner: P. Bex

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REQUEST FOR RECONSIDERATION

Assistant Commissioner of Patents
Washington, D.C. 20231

September 9, 2002

Sir:

This request is filed in response to the June 27, 2002 Office Action. Claims 1, 3, 5, 6 and 10 and 12-17 are pending in the application.

The Office Action rejects claims 1, 3, 5-6, 10 and 12-17 under 35 U.S.C. § 103(a) over U.S. Patent 5,380,488 to Wakatake in view of JP 10-253635 to Onuma et al. (hereafter Onuma). The Office Action also rejects claims 1, 3, 5-6, 10 and 12-17 under 35 U.S.C. § 103(a) over U.S. Patent 6,337,050 to Takahashi et al. (hereafter Takahashi). As will be discussed below, neither of these rejections is proper.

The present application is a U.S. national stage application of International Application No. PCT/JP96/03084, filed October 23, 1996. Accordingly, the present application is entitled to a priority date of October 23, 1996.

Onuma appears to have been published on September 25, 1998, which is subsequent to the international filing date of the present application. Accordingly, Onuma is not prior art to the present application. The Office Action agrees that Wakatake does not teach or suggest all the features of the independent claims. Thus, the Office Action fails to make a *prima facie* case of obviousness with respect to the pending claims. Withdrawal of the rejection based on Wakatake and Onuma is respectfully requested.

Takahashi was filed in the United States on April 16, 1999, which is subsequent to the international filing date of the present application. Accordingly, Takahashi is not prior art to the present application. Withdrawal of the rejection based on Takahashi is respectfully requested.

Applicants also respectfully note that Takahashi is assigned to Hitachi Ltd., which is the assignee of the present application. Therefore, the provisions of 35 U.S.C. § 103(c) would disqualify Takahashi as prior art (if Takahashi were prior art).

Accordingly, applicants have demonstrated that both rejections of the pending claims are improper. Withdrawal of the rejections are respectfully requested.

An Information Disclosure Statement was filed on August 8, 2002 along with a Form PTO-1449 listing two references. The Examiner is requested to initial the


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Form PTO-1449 to show his consideration of these references and to return the initialed form to the applicants.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.37156X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, L.L.P.



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